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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,268	08/30/2000	Frank Filser	00-497	1826
34704 7590 06/05/2007 BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510			EXAMINER HOFFMANN, JOHN M	
			ART UNIT 1731	PAPER NUMBER
			MAIL DATE 06/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09623268	8/30/00	FILSER ET AL.	00-497

BACHMAN & LAPOINTE, P.C.  
900 CHAPEL STREET  
SUITE 1201  
NEW HAVEN, CT 06510

**EXAMINER**

John Hoffmann

**ART UNIT****PAPER**

1731

20070510

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**Commissioner for Patents**

Neither the Appeal Brief filed 22 February 2007 nor the letter filed 23 February 2007 serve to overcome the all the deficiencies noted in the Notice of non-Compliant Appeal Brief of 2-16-07. The letter of February 23, 2007 argues that Appellants are not relying on the letter of Dr. Sigmund. It is clear from line 13 of page 8 of the 2/22/07 Brief that Appellants do rely upon the letter. It is noted that the Notice points out that Sigmund evidence is an example. Applicant is reminded the burden is on Applicant to ensure that all evidence referred to complies with the rules.

It is further argued that Examiner relies on the Sigmund letter. Examiner finds nothing which supports this assertion – Appellant does not point out where Examiner relies on this letter.

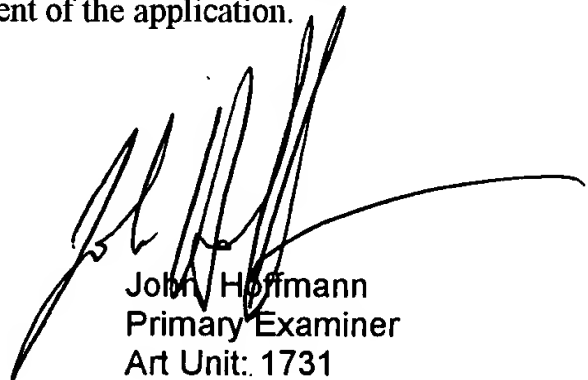
It is noted that the incomplete equation has not be corrected. (See 2-16-07 Notice.)

It is noted that there is no explanation of the selecting step. (See 2-16-07 Notice.)

It is again noted that the two above features are merely examples of deficiencies. The burden remains on Appellants to ensure all requirements are complied with.

It is argued that there is nothing in 37 CFR 1.133 which requires Appellants to submit copies of Interview summary records in appeal briefs and that Appellants are not relying on said interview summary records. These points are not very relevant – Appellant is not required to file the interview summaries with an appeal brief. Rather, the notice was merely setting forth that applicant is required to submit the interview summaries – they can be submitted apart from (or together with) a Brief or any other paper. The manner of the submission is unimportant – as long as they comply with 37 CFR 1.133. The Board should have access to a complete written record of the prosecution history.

The period for response continues to run from the time period set forth in the 2/16/2007 paper. No new time period is started. Failure to timely comply with all requirements can result in dismissal of the appeal and abandonment of the application.

  
John Hoffmann  
Primary Examiner  
Art Unit: 1731